

IN THE DRAWINGS

A corrected FIG. 9 is being concurrently submitted to address the inadvertent omission of reference number 32, described at page 11, lines 5-14.

REMARKS**Summary of the Office Action**

Claims 1 and 4-6 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 4-6 are rejected under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent No. 5,174,696 to Bogner ("Bogner").

Claims 1 and 4-6 are rejected under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent No. 6,382,202 to Chau-Ngoc et al. ("Chau-Ngoc").

Summary of the Response to the Office Action

Claims 1 and 4-7 are pending for consideration. Claims 1, 5, and 6 have been amended. Claim 7 has been added. A corrected FIG. 9 is being concurrently submitted.

The Rejections under 35 U.S.C. § 112, Second Paragraph

Claims 1 and 4-6 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse the rejection.

The Office Action asserts that claims 1 and 5 do not set forth any structure with the feature of the flange portion and locking piece, respectively, "is configured to prevent movement of the core bit in an axial direction within a chuck." Claim 1 has been amended to recite that "the locking piece includes an end surface on a side of the flange portion, the end surface of the

locking piece being perpendicular to an axial direction of the drill portion.” Similarly, claim 5 has been amended to recite that “the flange portion includes an end surface on a side of the boring blade in an axial direction of the drill portion, the end surface of the flange portion being perpendicular to the axial direction; and an engaging member formed on the flange portion at a side opposite to said end surface...” Because the end surface of the locking piece is perpendicular to the axial direction, the core bit cannot move in the axial direction.

Note that reference number 32 was inadvertently left off of FIG. 9, although the location of element 32 is obvious from the description at page 11, lines 5-14. A corrected FIG. 9 is being filed concurrently with the present amendment.

The Office Action alleges that claims 1 and 5 appear to be setting forth a combination of the bit and the chuck rather than the “core bit” recited in the claims. Applicants respectfully traverse the rejection.

Apparently, the location of the phrase “for engaging with a drill chuck” was misunderstood by the Examiner. However, the fact that the engaging member was previously recited as being formed at the outer peripheral face of the mounting portion should have made it clear that the engaging member was for engaging the drill chuck, and that the engaging member was located at an outer peripheral face of the mounting portion. Claims 1 and 5 have been amended to make the relationship between the elements even more explicit.

Claim 6 has been amended so that it depends from claim 5.

For at least the above reasons, Applicants respectfully request that the rejection of claims 1 and 4-6 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly

point out and distinctly claim the subject matter which applicant regards as the invention, be withdrawn.

The Rejections under 35 U.S.C. § 102 (b)

Claims 1 and 4-6 are rejected under 35 U.S.C. § 102 (b) as being anticipated Bogner. Applicants respectfully traverse the rejection.

Claim 1 has been amended to recite that “the locking piece includes an end surface on a side of the flange portion, the end surface of the locking piece being perpendicular to an axial direction of the drill portion.” Similarly, claim 5 has been amended to recite that “the flange portion includes an end surface on a side of the boring blade in an axial direction of the drill portion, the end surface of the flange portion being perpendicular to the axial direction; and an engaging member formed on the flange portion at a side opposite to said end surface... .”

Because the end surface of the locking piece is perpendicular to the axial direction, the core bit cannot move in the axial direction. Thus, the assertion in the Office Action that “claims 1 and 5 don’t actually set forth any explicit structure on this point” is moot.

The left end of holder 2 in Fig. 2 of Bogner cannot correspond to the claimed “end surface perpendicular to the axial direction” of claim 5 because holder 2 of Bogner does not have a flange portion which “has a circular outer shape which is continuous throughout all circumference” as required by the claim.

For at least this reason, Applicants respectfully request that the rejection of claims 1 and 4-6 under 35 U.S.C. § 102 (b) as being anticipated by Bogner be withdrawn.

Claims 1 and 4-6 are rejected under 35 U.S.C. § 102 (b) as being anticipated by Chau-Ngoc. Applicants respectfully traverse the rejection.

For at least this reason, Applicants respectfully request that the rejection of claims 1 and 4-6 under 35 U.S.C. § 102 (b) as being anticipated by Chau-Ngoc be withdrawn.

Applicants respectfully submit that claim 1 and 4-6 are in condition for allowance. Early allowance of claims 1 and 4-7 is earnestly solicited.

CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: August 11, 2008

By: 

Kent Basson

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
Kigen AGEHARA et al.)	Confirmation No.: 6241
)	
Application No.: 10/528,233)	Group Art Unit: 3722
)	
Filed: March 18, 2005)	Examiner: Daniel W. Howell
)	
For: CORE BIT)	

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SUBMISSION OF REPLACEMENT DRAWINGS

Applicants respectfully submit herewith a Submission of Replacement Drawings including one (1) sheet of drawing containing Fig. 9 to be substituted for the previously filed drawing sheet in the above-identified application. Applicants have amended Figs. 9 to correct reference numbers. Applicants respectfully submit that no new matter is introduced by the replacement drawings.

If there are any fees due in connection with the filing of these drawings, the
Commissioner is hereby authorized to charge any additional fees due to Deposit Account No.
50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: August 11, 2008

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